



**REGULAR MEETING OF THE COMMON COUNCIL
MIDDLETOWN CONNECTICUT
NOVEMBER 2, 2015**

The Special meeting Questions to Directors of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, November 2, 2015 at 6 p.m.

Present:

Deputy Mayor Robert P. Santangelo; Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilwoman Hope P. Kasper, Councilman Carl R. Chisem, Councilman Gerald E. Daley, Councilman James B. Streeto, Councilman Sebastian N. Giuliano, Councilwoman Sandra Russo Driska, Councilwoman Deborah A. Kleckowski, Councilman David Bauer; Council Clerk Marie O. Norwood.

Absent:

Mayor Daniel T. Drew, Corporation Counsel Daniel B. Ryan

Also Present:

Public Works Director William Russo, Finance Director Carl Erlacher, Acting Director of IT Eldon Bailey, Water and Sewer Director Guy Russo, Parking Director Geen Thazhampallath, Deputy General Counsel Kori Wisneski, Chief of Police William McKenna, Acting Recreation and Community Services Director Deb Stanley, Tax Assessor Damon Braasch, Fire Chief Robert Kronenberger, Planning, Conservation and Development Director Michiel Wackers, Director of Human Relations Faith Jackson Arts Coordinator Stephan Allison, City and Town Clerk Linda Bettencourt, Russell Library Director Arthur Meyers, Youth Services Coordinator Justin Carbonella, and ten members of the public.

1. Mayor calls meeting to order.

The Acting chair calls the meeting to order at 7 p.m. and leads the public in the Pledge of Allegiance.

(Pledge of Allegiance)

The Acting chair declares the call a legal call and the meeting a legal meeting.

(Council Clerk Reads the Call of the Meeting and Mayor declares call a legal call and meeting a legal meeting.)

2. Questions to Directors Opens

The Acting chair recognizes Councilman Bauer. He asks if anyone from the Long Hill State Authority is present or someone who can talk on the lease. Kori Wisneski, Deputy City Attorney, comes forward to respond to questions on the lease. Councilman Bauer wants to understand how the lease works; there is a backup generator, who owns that and it is one of the attachments and how we net out in changing the tenant. Atty. Wisneski states it is an assignment agreement and in effect, Ct Underwriters is a tenant and you approved that lease long ago and they are looking to assign that lease to CRC and CRC is taking on all the obligations that CT Underwriters took on under that lease. She states Deborah Moore is here on behalf of the Long Hill Estate. Rich Tomc, the attorney on behalf of the Long Hill Estate Authority worked closely with Brig reviewing these documents; it was before the Economic Development Committee and was approved unanimously to move forward tonight. She is not sure of the generator. Councilman Bauer asks is the backup generator; it was brought in long ago and completely depreciated and is it owned by the Long Hill State Authority. Ms Moore responds it will become the property when their lease expires. Councilman Bauer states the assignment is on behalf of the tenant; did they make us whole and pay both sides of the attorney's fees. Ms. Moore responds yes they did.

Councilman Serra wishes to address issues with another Director. He asks for the City Attorney and asks that she explain the Veteran's Museum Agreement. Atty. Wisneski responds she was brought in to help negotiate and amend the military museum lease in existence; there is a current lease to use land in Veteran's Park. The Military Museum officials asked that the location of the museum be changed to be closer to the Trees of Honor Memorial. Part of the discussion for that amendment was to move the location. We wanted to make sure the lease agreement mirrored the American Legion Lease Agreement, so the obligations of the City were exactly what they are with the American Legion. There will be a lease of the building that will be built in Veteran's Park and there will be a lease on the land on which it sits. We will help with plowing outside and do capital improvements set forth in the lease, they will do maintenance and they can seek to extend the lease of 30 years upon notification. It is a 30 year lease; in your packet, there is a map of where the museum will be located and that is something we negotiated with Joe Milardo on behalf of the Military Museum. Councilman Serra states for edification, the \$300,000; this happened during the time of Mayor Giuliano's reign when we all believed Senator Doyle's \$300,000 grant and the \$365,000 allowed in the referendum

question was able to be together; however, when we research it the words exclusive and inclusive came into play and in this case it was inclusive and that means Senator Doyle's monies would supplant the monies in the referendum and we all that we would have \$685,000 for this building in its entirety. As far as he was concerned, he endorsed it thinking that and that is not how it is. Supplanting the referendum bond, this will save \$30,000 or \$40,000 of bond interest by taking it from the General Fund. That was the intent of the Council. This mirrors the American Legion.

Councilwoman Kasper states the General Counsel Review Commission had met about 3 weeks ago and there was supposed to be a report for tonight's meeting and she asks where it is. Atty. Wisneski responds she is not aware of any report being provided for tonight's meeting. She has not been involved in those meetings. Councilwoman Kasper states she knows that Brig is away and he said he would have that report tonight for this Council. Atty. Wisneski responds he did not produce anything for this Council meeting and I cannot speak to anything on his behalf. He was away this weekend for his wedding. Councilwoman Kasper states he promised he would have that for this meeting, but apparently you don't have anything. Atty Wisneski responds I do not have anything to present to you tonight. Councilwoman Kasper has a question on the agreement with Berlin, has there been fees set for this water. Atty. Wisneski asks which agreement. Councilwoman Kasper responds the Intermunicipal agreement Between the City of Middletown and the Town of Berlin. Atty. Wisneski asks for help from Guy Russo, Director of Water and Sewer, on the agreement. Councilwoman Kasper asks for a period of time we will purchase water from Berlin to supply new businesses on Middle Street and a later time, we will sell water to them; has the fee been set. Mr. Russo states this is to purchase water from Berlin and sets out the prospect there will be a supplement agreement to this agreement for the purchase and sale once we do a full interconnection. Councilwoman Kasper asks what we will pay Berlin. Mr. Russo states we will pay the same cost as Berlin Residents. It is #4 in the agreement. Councilwoman Kasper asks do we have a hold harmless agreement for the water we are purchasing from them. Mr. Russo responds no we do not. Councilwoman Kasper asks Kori if the City should have this. Atty. Wisneski responds Christopher Smedick reviewed this and included all the provisions he thought were necessary. Mr. Russo responds he raised that issue with Atty. Smedick and he didn't believe it was necessary to have a hold harmless agreement at this time. Councilwoman Kasper asks whether the City has the normal insurance documents they would get from a contractor. Atty. Wisneski states we require insurance for any vendor that we contract with and that would be something we would receive upon. . . Councilwoman Kasper states then we would be additional insured. Atty. Wisneski states currently it doesn't call for that; every contract goes to the Risk Manager's Office for review and consideration. Councilwoman Kasper states she sees a potential liability here and we should protect ourselves through a hold harmless agreement or also, at least, as an additional insured. Atty. Wisneski states Risk Manager looked at that and Berlin is a municipality and it stands on its own and has considerable insurance for a variety of things. Councilwoman Kasper replies that is why they should provide a certificate. Atty. Wisneski responds okay. Councilman Serra states when others use our facility, they have to include a certificate of insurance; what is the hurt in doing this. Mr. Russo states it will not stop it; there is the timing issue and recaps his discussion with Atty Smedick. Berlin's WPCA is closely regulated by the DEEP and State Public Health Department. I don't know what direct harm because we would have because they would still be responsible both under State and federal for the water they put in the system. Once the water hits the Middletown system, if it is properly designed I am hard pressed to think what damage their water can do to our system since we are at lower pressure than they are. The same for sewer. Our requirement ends at the city line when it goes through their system. Councilman Serra asks about a back flow situation. Mr. Russo states it would come through ours until the master meter is in place. Councilman Serra asks if it back flows and is contaminated, what is our liability. Mr. Russo responds if it comes in now and it is contaminated it would be the water provider's liability solely, meaning Berlin's responsibility. The City is contracting to take their water, but it is still their product. Councilman Serra asks if it is harmful to put it in; will it stop it from happening. Mr. Russo replies he can't speak to that. Finance and Government he said he would do what the Council will like me to do; he knows it was expedited through Economic Development, with a new client who expects water by April 1, but timetables may be imperiled. Councilman Serra asks if it will hurt the timing. Mr. Russo responds it may if Berlin objects. Councilman Serra asks what a month will do. Mr. Russo replies we were prepared to proceed on the contract; we can hold the notice to proceed until December and to start it in December, it is the dead of winter. He would be hard pressed that the bidder will be able to get the work done by April 1. We are committed to April 1.

Councilman Daley asks how this is analogous with Portland for dispatch services; how does that contract handle those issues. How did that contract address the issues? This is an intermunicipal agreement unlike a contract with a private entity. This has taken far longer than we expected already and the Business we have to relocate to Middletown has been patient. I would hate to cause further delay unless there is good cause to do it. As I understand it and what is being said is the risk would fall on Berlin because they provide the water. Likelihood is remote to have damage to our system. I suggest perhaps Councilman Santangelo can state how the Portland agreement handles this. Councilman Santangelo explains how that works. The agreement with Portland is mutual aid and carries responsibilities with it. We have a hold harmless clause there because officers act on each side and it is backed up with a mutual aid agreement. This is a different set of liabilities. Councilman Daley states if there is a need for this; it is unfortunate Atty Smedick isn't here to explain why it isn't here. Instead of delaying it a month, then amend the resolution that such provision be added and hopefully we can convince Berlin it makes sense. Councilwoman Kasper states there is no fee to add our name to the insurance. Councilman Daley states it is no different than hiring someone to perform a service to provide a certificate of insurance. Councilman Giuliano asks for Bill Russo, Director of Public Works. He states he reached out to Bill on the Military Museum appropriation earlier and he never saw one that specified a method of construction; that would be modular buildings. It goes back

to the bond ordinance that was approved for the senior community center and part of that discussed the removal of the modular building would be removed and the relocation of new modular building and that controls the entire transaction and that is why we are doing this. Mr. Russo responds that is correct and what he was told by Finance. Councilman Giuliano asks the number of square feet it will be. Mr. Russo states it would be in the 3,000 sq. foot range and the cost would not exceed and a building committee would be formed and have control. Councilman Giuliano asks the life expectancy of a modular building; will it last as long as compared to more conventional construction.

Noted for the Record

Councilwoman Bartolotta takes her seat in the Chamber at 6:24 p.m.

Mr. Russo replies it is comparable. I think, the word modular came in because of the buildings at the school and why the language came into the bond. Councilman Giuliano states the City will own this thing and we are happy with a modular constructed building. Mr. Russo states you will hear from the Veterans and did not take from his meetings that they are not happy. They want to get the project going.

Councilwoman Bartolotta is recognized by the Chair and states at Finance and Government they asked those questions; the topic of modular was raised and everyone was happy with it. Councilman Serra states on that issue because the referendum says that, we have to do that unless bond counsel states we can utilize the grant. We want to move this forward. It has taken five years. Councilman Serra asks for Kathy Morey and Chief McKenna. He states he wasn't at Finance and Government. At Public Safety they endorsed two ACO's. Chief McKenna states yes. Councilman Serra asked if General Counsel Commission endorsed two. Chief McKenna states they have 1-1/2 ACO's currently; it will increase the department by one additional officer and they will have two. Councilman Serra asks if they are happy with that. Chief McKenna states they will work with that. Councilman Serra states two commissions said two not one. Chief McKenna responds they are satisfied. Councilman Serra asks procedurally, to negotiate a percentage raise, is that proper. Councilman Serra states it is not set by the Commission. Ms Morey states it is not typically what we see. When we presented the new job description for Senior Animal Control Officer and my office thought there was an agreement between the Union and Chief, but that is not true so we need to do impact bargaining over the salary. At the general Counsel Commission we presented a resolution that it would not exceed 12.2%. Councilman Serra asks did they do an analysis of this. Ms Morey states it was not run through Maximus because it will be part of Local 1361; they are not part of Maximus classified plan; they have their own bargained salaries so the average difference between police officer going to Sergeant and Lieutenants going to Captain. They took a general 12.2% to come up with a salary that they then will need to be bargained/negotiated with the Union if adopted tonight. Councilman Serra states he supported this and it is not typical. He states it is the first time I have seen this. Councilwoman Bartolotta states she would like to review the questions of the Councilman. There was a great discussion at the General Council Commission and you explained the Maximus and none of the police fall under that. None of the Police fall under Maximus. The only question I have is Personnel policies and the creation of new positions and there is a Salary grade for the ACO and that is what we are basing this on, correct. Ms Morey replies that is correct. The 12.2% it is an increase over the current ACO job. Councilwoman Bartolotta states we are taking the ACO position it will go up to the 12.2% and not over it. Ms Morey responds that is correct. Making the senior position an actual supervisor's position to set up for the future. And it was discussed.

3. Questions to Directors Closes.**4. Meeting adjourned.**

Councilman Thomas J. Serra moves for approval adjourning the meeting. Councilman David Bauer seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilwoman Hope P. Kasper, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Gerald E. Daley, Councilman James B. Streeto, Councilman Sebastian N. Giuliano, Councilwoman Sandra Russo Driska, Councilwoman Deborah A. Kleckowski, Councilman David Bauer; 0 nay votes by no one and 1 absent by Councilman Grady L. Faulkner, Jr. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

The Acting chair adjourns the meeting at 6:32 p.m.

ATTEST:

MARIE O. NORWOOD
COMMON COUNCIL CLERK